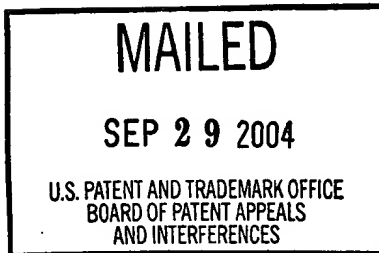


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte ADAM J. SIMONOFF

Appeal No. 2003-1460
Application No. 09/296,757¹

ON BRIEF

Before FLEMING, SAADAT and NAPPI, Administrative Patent Judges.
SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-21, which are all of the claims pending in this application.

We affirm.

BACKGROUND

Appellant's invention is directed generally to a computer system for facilitating interchange of information between two or more users sitting at respective computer terminals included in the computer system (specification, page 1). According to

¹ Application for patent filed April 23, 1999.

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Appellant, in such computer systems, various users can use the same computer program, share information and interchange graphical objects regardless of variations in the individual components of the system. An understanding of the invention can be derived from a reading of exemplary independent claim 1, which is reproduced as follows:

1. A method facilitating collaboration between a plurality of users of incompatible hardware and/or operating systems, comprising:

selectively generating predetermined objects, text objects, active hyperlink objects, and freehand drawing objects, which are displayable at user-selected locations on a White Board screen of one of the users;

transmitting all generated ones of the predetermined, the active hyperlink, the text, and the freehand drawing objects for selective distributions to each of the other users;

accumulating the predetermined, the active hyperlink, the text, and the freehand drawing objects; and

filtering the predetermined, the active hyperlink, the text, and the freehand drawing objects to thereby permit selective retransmission of the predetermined, the active hyperlink, the text, and the freehand drawing objects to respective ones of the other users.

The Examiner relies on the following reference:

England	6,144,991	Nov. 7, 2000
		(filed Feb. 19, 1998)

Claims 1-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by England.

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We make reference to the answer (Paper No. 12, mailed January 16, 2003) for the Examiner's complete reasoning in support of the rejection, and to the appeal brief (Paper No. 11, filed September 23, 2002) for Appellant's arguments thereagainst. Only those arguments actually made by Appellant have been considered in this decision. Arguments which Appellant could have made but chose not to make in the brief have not been considered.

CLAIM GROUPING

Appellant indicates that claims 1-21 stand or fall together as one group (brief, page 9). In accordance with this grouping, we will limit our review of the appeal to claim 1 as the representative claim of the group.

OPINION

A rejection for anticipation under section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. See Atlas Powder Co. v. Ireco Inc., 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d

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1671, 1673 (Fed. Cir. 1994). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), it is only necessary for the claims to "'read on' something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it." Furthermore, anticipation requires a finding that the claim at issue "reads on" a prior art reference. See also Atlas Powder Co. v. IRECO Inc., 190 F.3d at 1346, 51 USPQ2d at 1945 (Fed. Cir. 1999) (quoting Titanium Metals Corp. v. Banner, 778 F.2d 775, 781, 227 USPQ 773, 778 (Fed. Cir. 1985)).

Appellant argues that the recitation of "collaboration between a plurality of users" in the preamble of claim 1 is not met by England wherein one group of users connected to the server in one session are not collaborating with members of another group (brief, page 14). In response, the Examiner points out that the claim does not require collaboration between users in different sessions and therefore, sending a selected data/command to only the participants in a particular session in England does

read on the "collaboration between a plurality of users" (answer, page 5).

A review of England reveals that the reference relates generally to a software system which allows a guide/specialist to interact with one or more clients wherein a plurality of clients may be simultaneously interacting with a guide and each other (abstract, first 3 lines and last 2 lines). The reference explicitly teaches that a session is an exchange of communications between two computers of the network and is independent of other sessions (col. 11, lines 21-33). Additionally, each guide can manage one or more sessions (col. 11, lines 43-44) while the program allows additional clients to join each session (col. 29, lines 19-25)). Here, the users in any session form a group or a plurality of users who collaborate with each other. On the other hand, contrary to Appellant's arguments (brief, page 14), the claimed recitation of "collaboration between a plurality of users" does not require anything more than some kind of communication between some of the users and not collaboration between the users in different sessions. Therefore, although the users in each session of England may receive a select data and not communicate with the

users in another session, the users in each session communicate with each other and do "collaborate."

Appellant also asserts that England, based on the description of the White Board and forwarding the draw line command to all of the other users, fails to disclose the step of generating an active hyperlink object (brief, page 15). In that regard, Appellant points out that although lines drawn on the White Board of one client will be forwarded to all of the other users, it cannot be concluded that any of the client computers is capable of generating an "active hyperlink object" using a Whiteboard (id.). The Examiner responds by asserting that the claim does not require using the White Board to generate the objects and instead, merely requires that text objects, drawing objects and hyperlink objects be generated and be displayable on a White Board of one of the users (answer, page 4). The Examiner further states that the embedded URL "click here" in Figure 11 is indeed an active hyperlink object which is generated and displayable on the White Board of one of the users (id.).

Upon our review of the recited language of claim 1, and whether either one of the client computers is capable of generating an active hyperlink object, we agree with the Examiner

that the claim does not require such feature. In fact the claim only recites generating an active hyperlink object which is displayable on a White Board screen of one of the users. We also find the Examiner's reading the claimed active hyperlink object on an embedded URL shown as "click here" link (figure 11) to be reasonable. England specifically describes this link as an element for obtaining further information by clicking on it (col. 13, lines 45-50) which is consistent with the ordinary meaning of the term² and Appellant's disclosed definition in the specification (page 21, lines 13-16). Therefore, we agree with the Examiner that the "click here" link of England is an active hyperlink object which is selectively generated and is displayable on a White Board screen of one of the users.

Appellant further asserts that England does not disclose the step of filtering because all of the session clients actually collaborate with one another and receive the same information from the server (brief, page 16). The Examiner responds that the collaboration server in England, which supports multiple

² The Examiner's characterization of the disclosed "click here" element as an active hyperlink object is consistent with the definition of a hyperlink as an element that links to another place, either in the same document or in another document. A copy of such definition obtained from Webopédia online encyclopedia accompanies this decision.

simultaneous independent sessions, actually filters the data or commands (answer, page 5). Additionally, the Examiner points out that the different parts of the information in each session is filtered since it is forwarded to only the participants of the corresponding session and not to all the connected users in all sessions (id.).

Initially, we observe that Appellant's argument, regarding England's disclosure of the step of filtering and selective transmission of the objects to the users, somewhat ignores the previously argued teachings of England with respect to collaboration between a plurality of users. Appellant (brief, page 14) initially asserts that the users in the second session are not collaborating with members of the first session because they receive different information indicative of lack of collaboration. Somewhat in contrast, Appellant later recognizes that all of the session clients in England are "collaborating with one another by virtue of being coupled to the piper server" and receiving the same information (brief, page 16). As discussed above, a guide manages one or more independent sessions, with multiple collaborating clients in each session, wherein the information sent to clients in each session must be

kept separate or filtered. In other words, although the server of England manages all the sessions, it is the guide who, in addition to being one of the users, manages one or more of these independent sessions, each involving different information to be selectively transmitted to the client(s) participating in that session compared to those in other sessions.

Therefore, we remain unconvinced by Appellant's argument (brief, page 16) that England teaches no filtering because all of the collaborating users connected to the same server receive the same information. This characterization of England is inconsistent with the teachings of the reference, particularly the fact that each session is independent of other sessions (col. 11, lines 28-33) and each guide can manage one or more sessions (col. 11, lines 43-44). Therefore, even if all of the collaborating clients in the same session receive the same information, each time the guide provides different information to the clients participating in different sessions, filtering is involved which also allows the guide to selectively retransmit the information available to the guide to some of the other users.

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Based on our findings above, we agree with the Examiner that England prima facie anticipates the claimed subject matter in the representative independent claim 1. Accordingly, the 35 U.S.C. § 102(e) rejection of claims 1-21 is sustained.

CONCLUSION

To summarize, the decision of the Examiner to reject claims 1-21 under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136 (a).

AFFIRMED



MICHAEL R. FLEMING)
Administrative Patent Judge)



MAHSHID D. SAADAT)
Administrative Patent Judge)

BOARD OF PATENT
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ROBERT NAPPI)
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